UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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UNITED STATES OF AMERICA, Plaintiff, v. **Ara E. AVETYANTS** **Ashot BARSEGIAN** **Arsen Grishai MOTIVOSYAN** Defendant(s)	Magistrate Case No. **'08 MJ 1329** COMPLAINT FOR VIOLATION OF: Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii) Attempted Transportation of Illegal Aliens

The undersigned complainant, being duly sworn, states:

On or about **April 26, 2008,** within the Southern District of California, defendant **Ara E. AVETYANTS, Ashot BARSEGIAN and Arsen Grishai MOTIVOSYAN,** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that alien, namely, **Ara HAKOBYAN,** , and had come to, entered and remained in the United States in violation of law, did attempt to transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Sean Sather
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 28th DAY OF **April 2008**

Nita L. Stormes
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Ara E. AVETYANTS
Ashot BARSEGIAN
Arsen Grishai MOTIVOSYAN,

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Ara HAKOBYAN,** is a citizen of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On April 26, 2008, Border Patrol Agent K. Zoetewey was conducting line-watch duties on Monument Road in the Imperial Beach, California area of operations. Due to the close proximity to the United States/Mexico international border, this area is notorious for the presence of undocumented aliens attempting to further their illegal entry into United States. At approximately 10:15 a.m., Agent Zoetewey announced over the service radio that he was performing a vehicle stop on Monument Road approximately one quarter mile East of Hollister Street. Just prior to the vehicle stop, the three occupants of the vehicle were seen throwing out trash, receipts, and banking documents from the vehicle.

Once the vehicle yielded, Agent Zoetewey approached the occupants and identified himself as a Border Patrol Agent and conducted an immigration inspection. The driver, later identified as the defendant #1 **Ara E. AVETYANTS**, was determined to be an Armenian national with a valid Permanent Resident Alien card. The two passengers, later identified as defendant #2 **Ashot BARSEGIAN** and defendant #3 **Arsen Grishai MOTIVOSYAN**, were also in possession of valid immigration documents and admitted to being Armenian nationals. When asked what they were doing in the area, the occupants said they were "looking to ride some horses." At this time, Border Patrol Agent R. Stallings responded to the scene to assist Agent Zoetewey. When Agent Stallings arrived at the stop, Agent Zoetewey was conducting his immigration inspection on three individuals in a white BMW 525 series with no license plates. As a backup Agent, Agent Stallings waited at the passenger side rear of the vehicle until Agent Zoetewey completed his immigration inspection. After it was determined that all three subjects possessed the proper immigration documents, they were allowed to drive away.

Approximately two hours after the vehicle stop, Agent Stallings was conducting transport duties in Border Field State Park. At that time, Agent Stallings observed the same three individuals from the earlier vehicle stop walking in the park. Thirty minutes later Agent Stallings was exiting the area and noticed the white BMW 5 Series parked at the entrance to the park. All four doors of the vehicle were open and four individuals were getting ready to enter the vehicle. Having been on the vehicle stop earlier, when there were only three occupants, Agent Stallings was suspicious when four individuals were seen trying to enter the vehicle. Agent Stallings approached the vehicle in order to talk to its occupants. As Agent Stallings was approaching the vehicle, the four individuals sat down on a log next to the BMW. After greeting the four individuals, and identifying himself as a U.S. Border Patrol Agent, he began to conduct an immigration inspection of all four individuals.

Subsequently, three individuals were found in possession of valid immigration documents while the fourth was not. The documented individuals were identified as defendants AVETYANTS, BARSEGIAN and MATIVOSYAN. A fourth individual had a California Drivers License with the name Ara HAKOBYAN. When Agent Stallings asked HAKOBYAN if he had any documents to prove his citizenship, he replied "no". After knowing all four individuals by name at this time, Agent Stallings made a mental note where they were in respect to the four open car doors. He remembered that defendant AVETYANTS was the individual about to enter the drivers seat while HAKOBYAN, BARSEGIAN, and MATIVOSYAN were about to enter as passengers.

CONTINUATION OF COMPLAINT:
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Next, Agent Stallings asked all four individuals if they remembered him from the vehicle stop earlier in the day. AVETYANTS, BARSEGIAN, and MATIVOSYAN all nodded their heads in agreement while HAKOBYAN did not. At that time, Agent Stallings asked where HAKOBYAN came from and the other three individuals stated that he was someone they had just met in the park. Agent Stallings then asked HAKOBYAN where he was from and he replied "Glendale". Agent Stallings asked HAKOBYAN if he was a citizen of the United States and he replied "I am here on asylum." Agent Stallings then asked from what country he was here on asylum, and he replied "Armenia." At this time, AVETYANTS, BARSEGIAN, and MATIVOSYAN began to tell Agent Stallings once again how they had just met HAKOBYAN in the park and they were only being friendly to one of their fellow countrymen by giving him a ride.

Agent Stallings asked HAKOBYAN how he arrived at the park. He replied, "by cab." At this time, all four individuals appeared nervous and began to stutter. Agent Stallings then asked HAKOBYAN where he began his cab ride and he replied "Glendale." HAKOBYAN had no receipts for payment and could not recollect how much money he paid to take the cab from the Los Angeles area. When Agent Stallings asked HAKOBYAN what he was doing in the area, he replied "on vacation". Agent Stallings then asked HAKOBYAN where he was going and AVETYANTS said "we are going to give him a ride." After asking where, AVETYANTS replied "where ever he wants." At this time Agent Stallings called for back-up and Agent S. Sather responded promptly in less than one minute.

Agent Stallings gave Agent Sather the driver's license of HAKOBYAN and he requested records checks via dispatch. Records checks revealed that HAKOBYAN was denied asylum and ordered removed in January of 2008. While records were being checked, Agent Stallings asked AVETYANTS, the driver with the keys, if it was okay to search his vehicle. AVETYANTS gave Agent Stallings consent to search the vehicle. While searching the vehicle, Agent Stallings found laminated, uncut, 2x3 inch photos of HAKOBYAN in the glove box. HAKOBYAN admitted to having a brown duffle bag with his personal belongings in the trunk. Also found in the vehicle, were several items of clothing and personal belongings from HAKOBYAN, loosely placed in all areas of the trunk.

At approximately 12:15 p.m., all four individuals were arrested and transported to the Imperial Beach Border Patrol Station for further investigation and processing.

MATERIAL WITNESSES STATEMENTS:

HAKOBYAN freely admitted to crossing the border at Border Field State Park by climbing over the international border fence. HAKOBYAN also admitted that AVETYANTS, BARSEGIAN, and MATIVOSYAN were going to take him to the Los Angeles area